

AN ORDINANCE

BY: COUNCILMEMBER CLAIR MULLER

**AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

AN ORDINANCE TO PLACE A MORATORIUM ON THE ACCEPTANCE OF ALL SUBDIVISION PERMIT APPLICATIONS WHICH INCLUDE CONTEMPLATION OF OR CREATE LOTS OF SUFFICIENT SIZE AND LOCATION THAT WOULD ALLOW FOR THE USE OF SEPTIC SYSTEMS FOR A PERIOD NOT TO EXCEED ONE HUNDRED AND TWENTY (120) DAYS OR THE ADOPTION OF LEGISLATION THAT REQUIRES NEW SUBDIVISIONS TO UTILIZE THE CITY'S PUBLIC SEWER SYSTEM, WHICHEVER OCCURS FIRST, AND FOR OTHER PURPOSES

WHEREAS, the City of Atlanta ("City") provides sewer services to its citizens throughout areas of the City by and through its sewer system ("Public Sewer System"), making sewer services generally available throughout the City; and

WHEREAS, over 95% of the City's citizens are served by public sewer and approximately 4,000 of the City's citizens are served by septic systems, making the City one of the largest sewer providers in the State of Georgia; and

WHEREAS, a number of subdivision plat applications are submitted to the City for consideration every year that include lots of sufficient size and character under the City's land use regulations to permit septic systems; and

WHEREAS, the process of collecting and treating sewerage in the City's Sewer System results in the return of treated water to the original source of water, thereby, replenishing the water that was consumed by the respective water users; and

WHEREAS, septic systems are considered a 100% consumptive use of water supply, because such systems do not effectively return water to the water source, but, rather, waste water into the ground; and

WHEREAS, the City of Atlanta joins other jurisdictions in the metropolitan Atlanta area in desiring to promote the conservation of water to ensure that sufficient water supply is available to its customers and citizens in the future in furtherance of the general health, safety and welfare of its citizens; and

WHEREAS, based upon the goal of water conservation, the City has reviewed information and data relating to septic systems and determined that the addition of septic systems may have a material negative impact on the City's conservation efforts and future water supply; and

WHEREAS, from time to time septic systems fail if not properly maintained. Such failure poses a great threat to the health, safety and welfare of the City's citizens, which may result in the seepage of raw sewerage into ground water and eventually pollute valuable streams, rivers and water sources in the City and threaten natural habitats occurring in those waterways; and

WHEREAS, other jurisdictions in the metropolitan area, in furtherance of water supply conservation and water quality protection goals, have approved ordinances to require property owners to utilize public sewer services; and

WHEREAS, based upon these findings and in furtherance of the considerations discussed above, the City desires to develop legislation ("Sewer Requirement Legislation") that requires certain properties to utilize the City's Public Sewer System in lieu of septic systems and desires to halt acceptance of any future subdivision permit applications that include plans for lots of sufficient size or that would otherwise meet the City's land use regulations for a septic system in order to prevent any further exacerbation or deterioration to the City's water supply and water quality.

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA AS FOLLOWS:

Section 1. That a moratorium on the acceptance of any subdivision permit application that includes plans for lots of sufficient lot size or that would otherwise meet the City's land use regulations for a septic system for a period not to exceed one hundred and twenty (120) days or the adoption of the proposed Sewer Requirement Legislation, whichever occurs first.

Section 3. That all ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict.